

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL HERNANDEZ,

Plaintiff,

v.

CITY OF GIG HARBOR, et al.

Defendants.

CASE NO. C21-5401BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Christel's Report and Recommendation, Dkt. 4, recommending the Court DENY Plaintiff Hernandez's Motion for Leave to Proceed *in forma pauperis*, Dkt. 1, and dismiss without prejudice his 42 U.S.C. § 1983 complaint for failure to state a claim and for failure file an amended complaint. Hernandez has not objected or otherwise responded to the Report and Recommendation.

The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Hernandez's Motion for Leave to Proceed in forma pauperis is **DENIED**;

3. Plaintiff Hernandez's claims are **DISMISSED without prejudice**;
4. A Certificate of Appealability is **DENIED**;
5. The Clerk shall send copies of this Order to Hernandez's last known address and to Magistrate Judge Christel; and
6. The Clerk shall enter a JUDGMENT and close the case.

Dated this 30th day of August, 2021.



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BENJAMIN H. SETTLE  
United States District Judge